

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANTHONY D. DAVIS,

Y. **Petitioner,**

RON HAYNES,

## Respondent.

CASE NO. C19-5156 BHS

## ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”)

of the Honorable Theresa L. Fricke, United States Magistrate Judge, Dkt. 29, and

Petitioner Anthony Davis's ("Davis") objections to the R&R, Dkt. 30.

On November 15, 2019, Judge Fricke issued the R&R recommending that the

Court dismiss Davis's petition as time-barred. Dkt. 29. On November 22, 2019, Davis

filed objections. Dkt. 30

The district judge must determine de novo any part of the magistrate judge's

disposition that has been properly objected to. The district judge may accept, reject, or

modify the recommended disposition; receive further evidence; or return the matter to the

magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

1 In this case, Davis alleges numerous errors in the R&R but none of them have  
2 merit. For example, Davis argues that his petition is timely because state court review  
3 concluded on February 6, 2019. Dkt. 30 at 2. The state court, however, denied Davis  
4 personal restraint petition as an untimely challenge to his 1995 conviction and sentence.  
5 27-1 at 425–27. Therefore, the Court having considered the R&R, Davis’s objections,  
6 and the remaining record, does hereby find and order as follows:

- 7 (1) The R&R is **ADOPTED**;
- 8 (2) Davis’s petition is **DISMISSED** as time-barred;
- 9 (3) A Certificate of Appealability is **DENIED**; and
- 10 (4) The Clerk shall enter a **JUDGMENT** and close the case.

11 Dated this 27th day of January, 2020.

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BENJAMIN H. SETTLE  
United States District Judge  
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